

Exception Application for Class 3 and 4 Docks

Iowa Department of Natural Resources

Name of person requesting exception _____

Last

First

I am applying for the following exceptions: (check appropriate boxes)

- | | |
|--|---|
| <input type="checkbox"/> New Dock | <input type="checkbox"/> Platform size, L or T (any section of dock wider than 6') |
| <input type="checkbox"/> Existing Dock - # _____
Give number | <input type="checkbox"/> Length of dock |
| <input type="checkbox"/> Renewal of existing permit - # _____
Give number | <input type="checkbox"/> Number of hoists/lifts/slips/racks (this number includes PWC hoists, mooring buoys and all other hoists/lifts/slips/racks) |
| | <input type="checkbox"/> Dock offset |

16.9 Exceptions for renewal of Class 3 and Class 4 permits for existing docks. This rule provides certain exceptions to length limits, hoist limits and platform size limits for docks and hoists that lawfully existed before the effective date of the limits.

16.9(1) Class 3 and Class 4 permits shall include exceptions as needed to provide continuing authorization for docks and hoists that were lawfully installed and maintained before the effective date of certain requirements as set forth in this rule. Permits shall include exceptions to the length limits in 16.7(2) and 16.8(2) for docks up to 300 feet long that were lawfully installed and maintained before the effective date of the length limits. Permits shall include exceptions to the hoist limit in 16.7(3) and 16.8(3), and to the platform size limit in 16.7(4) for docks and hoists that were lawfully installed and maintained before the effective date of the limits.

16.9(2) An exception to the offset requirements in 16.3(3) shall be granted if the applicant can satisfy all three of the following criteria:

- The lack of offset on one side of the property is compensated for by a larger offset on the other side of the property;
- The applicant provides the department with a copy of the written consent of each affected adjoining property owner or an affidavit attesting that the affected adjacent property owner named in the affidavit has verbally given the applicant consent for the requested exception, or provides adequate documentation that the adjoining shoreline parcel is burdened by restrictive covenants, easements, or other valid use restrictions which impose on the owner of the parcel an obligation to tolerate docks and hoists that would otherwise violate the offset or gap requirements in 16.3(3); and
- The applicant demonstrates that no other dock or hoist configuration is physically practical.

16.10(1) Exceptions to length limits, hoist limits or platform size limits. For proposed new docks, slips or hoists, Class 3 and Class 4 permits may include exceptions to the length limit in 16.7(2), the hoist limit in 16.7(3) and 16.8(3), and the platform size limit in 16.7(4) if the applicant justifies the need for an exception and proposes a configuration of dock(s) and hoists that minimizes adverse impacts on the water body and other users.

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16.10(2) Factors for considering requests for exceptions. In determining whether to allow a requested exception to a length limit, hoist limit or platform size limit, in whole or in part, the department shall consider each of the following factors:

- a. The extent to which the request exceeds the applicable limit;
- b. The extent to which the requested exception or a lesser exception would cause adverse impacts on the aquatic ecosystem or use of adjoining public or private property;
- c. The extent to which the requested use would provide some type of access by members of the public;
- d. Whether living units to be benefited by an exception were constructed before July 1, 2006;
- e. Whether denial of an exception would result in loss of property value that was based on a reasonable expectation of water access including storage of boats on the water body;

Detailed reason/justification for exception:

If you are requesting an exception to the offset requirement you MUST have the adjoining property owner sign and date the following:

I _____ do agree to allow _____ to have his/her
(adjacent property owner) (applicant's name)

dock closer than 5' to my property line or the projected property line in the water.

(Signature) Date _____

OR

☐ I swear and affirm that I have verbal permission from _____.
(adjacent property owner)

I understand that if permission for the above exception(s) is withdrawn, it makes this permit invalid.

Incomplete or illegible applications will be returned. Allow a minimum of 3 weeks for applications to be processed.

I understand that providing false information on this application automatically makes this dock application invalid and could result in penalties for making a false entry in a public record under Iowa Code 714.8(4).

Name Date